

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN DANIEL MOONEY,

Plaintiff,

v.

DEBORAH A. MOONEY,

Defendant.

CIVIL ACTION NO. 05-10502-JLT

REPORT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(f)

Pursuant to Fed. R. Civ. P. 26(f), counsel for the Plaintiff requested that the Defendant contact him to discuss a potential discovery plan. The Defendant, a Maine resident who is *pro se*, did not respond and is in violation of Fed. R. Civ. P. 37(g). The Plaintiff does not seek sanctions against the Defendant at this time, but requests that the Court consider his proposed deadlines and plans:

1. Pre-Discovery Disclosures. The Plaintiff will serve the information required by Fed. R. Civ. P. 26(a)(1) by June 23, 2005.
2. Discovery Plan. The Plaintiff proposes to the court the following discovery plan:

Discovery will be needed on the following subjects: Relationship between the parties during and after their marriage; the conduct of the Defendant with regard to allegations of fraud, forgery, coercion and undue influence; the conduct of the Defendant with regard to the divorce proceedings involving the parties; the medical history of the Plaintiff.

All discovery commenced in time to be completed by June 30, 2006.

Maximum of 20 interrogatories by each party to any other party.

Maximum of 50 requests for admission by each party to any other party.

Maximum of 15 depositions by the Plaintiff and 15 by the Defendant.

Reports from retained experts under Rule 26(a)(2) due by both parties by June 30, 2006.

Supplementations under Rule 26(e) due 30 days after service; service not to be made less than 30 days before trial.

4. Other Items.

The Plaintiff does not request a conference with the court before entry of the scheduling order.

The Plaintiffs request a pretrial conference at the convenience of the Court.

The parties should be allowed until August 1, 2005 to amend the pleadings.

All potentially dispositive motions should be filed by August 1, 2006.

Settlement is unlikely in this matter at this point in time.

Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from the parties no less than 30 days prior to trial.

Parties should have 10 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

The case should be ready for trial no later than September 1, 2006.

5. Proposed Orders.

The Plaintiff requests an order of the Court waiving the provisions of Fed. R. Civ. P. 26 and Local Rules 16.1, 16.3, 16.5, and 37.1, to the extent that said Rules require conference between the parties or counsel for the parties. The Defendant resides in Maine and is *pro se* and it would present a significant difficulty to all parties, especially the Plaintiff, if said conferences were mandated. The requested order would only be in effect for as long as the Defendant is not represented by counsel.

Respectfully submitted,
PLAINTIFF,
By his attorneys,

/s/ Brian J. Hughes

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Dated: 5/31/05

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of May, 2005, a copy of the foregoing report was served via first class mail, postage prepaid, upon the following:

Deborah A. Mooney
113 Lake Avenue, #2
Farmington, Maine 04938

/s/ Brian J. Hughes

Brian J. Hughes